

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

-----  
ETHICON WAVE 5 CASES LISTED IN  
EXHIBIT A TO PLAINTIFFS' NOTICE OF  
ADOPTION

JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE  
REGARDING BARRY SCHLAFSTEIN, M.D. FOR WAVE 5**

Plaintiffs filed a Notice of Adoption [Dkt. 4378] in the Wave 5 cases identified in Exhibit A to their Notice adopting their Motion to Exclude Certain Opinions and Testimony of Barry Schlafstein, M.D. and Supporting Memorandum from Ethicon Wave 1. Defendants hereby adopt and incorporate by reference the *Daubert* response filed in relation to Barry Schlafstein, M.D. Ethicon Wave 1, Dkt. #2174. Defendants respectfully request that the Court deny Plaintiffs' motion for the reasons expressed in the Wave 1 response briefing.

Dated: August 29, 2017

Respectfully submitted,

/s/ David B. Thomas

David B. Thomas (W. Va. Bar No. 3731)  
Thomas Combs & Spann, PLLC  
300 Summers Street, Suite 1380  
P.O. Box 3824  
Charleston, WV 25338-3824  
(304) 414-1800  
dthomas@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010

COUNSEL FOR DEFENDANTS ETHICON, INC.  
AND JOHNSON & JOHNSON

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2017, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ David B. Thomas

David B. Thomas (W. Va. Bar No. 3731)

Thomas Combs & Spann, PLLC

300 Summers Street, Suite 1380

P.O. Box 3824

Charleston, WV 25338-3824

(304) 414-1800

dthomas@tcspllc.com